

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORPORAL TRINIDAD NAVARRO,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 05-565 (GMS)
v.	:	
	:	JURY TRIAL DEMANDED
CHRISTOPHER A. COONS; and	:	
GUY H. SAPP,	:	
	:	
Defendants.	:	

SUPPLEMENT TO PLAINTIFF'S MOTION TO STRIKE APPEARANCES

Plaintiff hereby submits this Supplement to Plaintiff's Motion to Strike Appearances to disqualify Megan Sanfrancesco and Judith Hildick as counsel for Defendants Christopher A. Coons and Guy H. Sapp, and in support thereof states as follows:

1. On September 6, 2007, Plaintiff filed a Motion to Strike Appearances to disqualify New Castle County Attorneys, Megan Sanfrancesco and Judith Hildick ("County Attorneys") from entering their appearances on behalf of the individual County Defendants, Christopher Coons ("Coons") and Guy Sapp ("Sapp").

2. Upon further review of the New Castle County Code, the County Attorneys may not represent Coons and Sapp because of as a conflict of interest that will occur should Coons and Sapp, and, in particular, Coons, be found to have violated the County Code.

3. Section 26.01.018(A)(1) of the County Code provides in relevant part:

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any County position or appointed County administrative office

because of race, color, national origin, gender, age, physical disability, *political* or religious *opinions or affiliations* or other non merit factors ... (emphasis supplied).

Subsection (b) of that same section states:

Any person who by himself or herself or with others willfully violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1.01.009 of this Code. Any person convicted under this Section shall be ineligible, for a period of five (5) years thereafter, to hold any County office or position and, if he or she is an officer or employee of the County, he or she shall immediately forfeit his or her office or position.

4. Clearly, because the facts, as alleged in this lawsuit, assert that Coons and Sapp blatantly violated this Section of the New Castle County Code, a conflict of interest arises that precludes the County Attorneys and, in fact, any attorney in the New Castle County Law Department from representing Coons and Sapp in any defense against such violations. Moreover, any attorney in the New Castle County Law Department would be precluded from representing Coons and Sapp in any criminal prosecution that may arise following this civil lawsuit or any proceedings taken to remove Coons from office for a violation of this Section of the New Castle County Code.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court strike the appearances of Megan Sanfrancesco and Judith Hildick as attorneys for Christopher Coons and Guy Sapp.

Respectfully submitted,

MARTIN & WILSON, P.A.

/S/ Jeffrey K. Martin
Jeffrey K. Martin, Esquire (#2407)
Timothy J. Wilson, Esquire (#4323)
1508 Pennsylvania Avenue
Wilmington, Delaware 19806
(302) 777-4681 Telephone
(302) 777-5803 Facsimile
jmartin@martinandwilson.com
twilson@martinandwilson.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Jeffrey K. Martin, do hereby certify that on September 7, 2007, I electronically filed the attached ***Supplement to Plaintiff's Motion to Strike Appearances*** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jeffrey S. Goddess, Esquire
Rosenthal, Monhait, Gross &
Goddess, P.A.
919 Market Street, Suite 1401
Wilmington, DE 19899-1070
Attorneys for Defendants
Stephen A. Coons and Guy H. Sapp

Judith A. Hidlick, Esquire
Megan Sanfrancesco, Esquire
New Castle County Law Department
87 Reads Way
New Castle, DE 19707
Attorneys for Defendant
New Castle County

/S/ Jeffrey K. Martin
Jeffrey K. Martin, Esquire (DE #2407)